

Message Text

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53

ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 L-03 CAB-05 CIAE-00 COME-00

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FM AMEMBASSY BERN

TO SECSTATE WASHDC 2966

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C O R R E C T E D C O P Y FOR MRN TO READ 3436 VIS A VIS
3536

EO 11652: N/A

TAGS: EAIR, SZ

SUBJ: CIVIL AVIATION AGREEMENT; EXCESS BAGGAGE RATES

REF: STATE 154746; B) BERN 2615

1. EMBASSY HAS RECEIVED FOLLOWING NOTE FROM SWISS FEDERAL
POLITICAL DEPT IN REPLY TO EMBASSY'S NOTE TRANSMITTING
MESSAGE CONTAINED PARA 4 REF A:

2. QUOTE:

FEDERAL POLITICAL DEPARTMENT NOTE S.O. 625.21. USA

THE FEDERAL POLITICAL DEPARTMENT PRESENTS ITS COMPLIEMENTS
TO THE EMBASSY OF THE UNITED STATES OF AMERICA AND HAS THE
HONOUR TO REFER TO THE EMBASSY'S NOTE NO 60 OF JULY 1976
RECEIVED ON JULY 7TH, 1976 CONCERNING TRANS WORLD AIRLINES'
EXCESS BAGGAGE TARIFF FILING.

THE AERONAUTICAL AUTHORITIES OF SWITZERLAND HAVE TAKEN
NOTE OF THE CONTENTS OF THE ABOVE NOTE AND WOULD LIKE TO KNOW
THE REASONING OF THE US AUTHORITIES BEHIND THE VIEW THAT THE
RATE PROVISIONS OF THE BILATERAL CIVIL AVIATION AGREEMENT
BETWEEN THE UNITED STATES AND SWITZERLAND HAVE NO APPLICATION
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TO IATA AGREEMENTS. THE AERONAUTICAL AUTHORITIES OF

SWITZERLAND WOULD FURTHERMORE BE INTERESTED TO LEARN WHETHER THE US AUTHORITIES CONSIDER ANY OTHER TARIFF APPLIED BETWEEN THE TWO COUNTRIES BY THE AIRLINES CONCERNED NOT COVERED BY THE BILATERAL CIVIL AVIATION AGREEMENT.

ALTHOUGH WE HAVE SOME UNDERSTANDING FOR THE BASIC OBJECTIVE EXPLAINED IN THE NTE, WE HAVE NEVER BEEN INFORMED OF THE US AUTHORITIES' INTENTION TO SUDDENLY AND UNILATERALLY RESCIND THE EXISTING EXCESS BAGGAGE TARIFF AND HAVE ALSO, THEREFORE, SERIOUS DOUBTS WITH REGARD TO THE PROCEDURE APPLIED BY THE US AUTHORITIES.

IT IS OUR FIRM OPINION THAT EXCESS BAGGAGE ALLOWANCES AND THE EXCESS BAGGAGE CHARGES HAVE TO BE CONSIDERED AS PART OF THOSE TARIFFS ESTABLISHED UNDER THE TERMS OF THE SWISS - US AIR SERVICE AGREEMENT. IT IS NOT RELEVANT WHETHER SUCH A TARIFF HAS BEEN AGREED UPON BY THE AIRLINES CONCERNED WITHIN IATA, BUT ESSENTIAL THAT IT HAS BEEN APPROVED BY THE AUTHORITIES OF BOTH CONTRACTING PARTIES UNDER THE TERMS OF OUR BILATERAL AGREEMENT.

AS ALREADY EXPRESSED IN THE LETTERS OF MAY 5TH AND JUNE 18TH, 1976 OF THE FEDERAL AIR OFFICE TO THE CAB THE FREE BAGGAGE ALLOWANCES AND THE EXCESS BAGGAGE TARIFF HAVE BEEN APPROVED BY THE AUTHORITIES OF BOTH CONTRACTING PARTIES AND SO FAR CHARGED BETWEEN OUR TWO COUNTRIES. THEY REMAIN IN FORCE AS LONG AS NEW TARIFFS HAVE NOT BECOME APPLICABLE IN ACCORDANCE WITH SECTION VII OF THE QUOTE SUPPLEMENTING AGREEMENT OF MAY 13TH, 1949 UNQUOTE. ANY EXCESS BAGGAGE RATE NOT APPROVED BY THE SWISS FEDERAL AIR OFFICE APPLIED BY THE AIRLINES OPERATING BETWEEN OUR TWO COUNTRIES WOULD BE CONSIDERED AS ILLEGAL. AS MENTIONED IN YOUR ABOVE NOTE IT IS THE AIRLINES THAT SHOULD TAKE ACTION TO ADJUST THE EXCESS BAGGAGE TARIFF. WE HAVE, THEREFORE, ORDERED SWISSAIR TO UNDERTAKE THOSE STEPS PROPER TO HAVE THE PROBLEM CONSIDERED WITH TWA AND THE OTHER NORTH ATLANTIC OPERATORS IN ORDER TO ELABORATE ON A NEW EXCESS BAGGAGE CHARGE TO BE SUBMITTED FOR APPROVAL SOONEST.

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THE FEDERAL POLITICAL DEPT AVAILS ITSELF OF THIS OPPORTUNITY TO RENEW TO THE EMBASSY OF THE UNITED STATES OF AMERICA THE ASSURANCES OF ITS HIGHEST CONSIDERATION. BERN, 15TH JULY, 1976. UNQUOTE.

3. ACTION REQUESTED: PLEASE ADVISE HOW WE SHOULD RESPOND TO FPD'S NOTE.
DAVIS

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Margaret P. Grafeld
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